

1 SCOTT N. SCHOOLS (SCSBN 9990)
2 United States Attorney

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KENNETH VAN AALSBURG,

15 Defendant.

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17
18 **CR 07 00603**
No. **VIOLATIONS:**

18 U.S.C. § 2252(a)(4)(B) - Possession of
Matters Containing Any Visual Depiction of
a Minor Engaging in Sexually Explicit
Conduct; 18 U.S.C. §§ 2253(a)(1) & (a)(3)-
Criminal Forfeiture

SAN JOSE VENUE

19 INFORMATION

20 The United States Attorney charges:

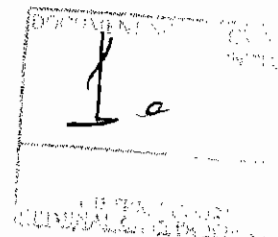
21 COUNT ONE: (18 U.S.C. § 2252(a)(4)(B) - Possession of Matters Containing Any Visual
22 Depiction of a Minor Engaging in Sexually Explicit Conduct)

23 On or about March 8, 2005, in the Northern District of California, the defendant,

KENNETH VAN AALSBURG,

24 did knowingly and intentionally possess certain matter, to wit, images, which visual depictions
25 had been mailed and transported in interstate and foreign commerce by any means, including by
26 computer, and the producing of which visual depictions (1) involved the use of one and more
27 minors engaging in sexually explicit conduct, and (2) were of such conduct, in violation of Title
28 18, United States Code, Section 2252(a)(4)(B).

INFORMATION



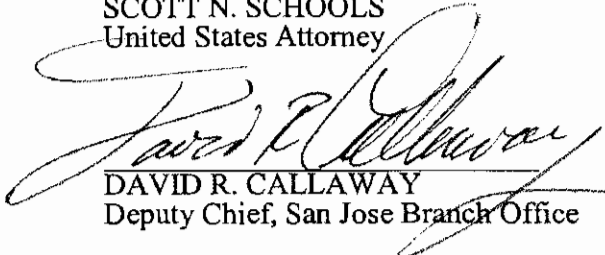
1 FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

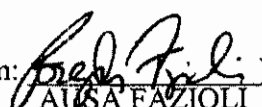
2 1. The allegations contained in Count One of this Information are hereby realleged and by
3 this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18,
4 United States Code, Section 2253.

5 2. Upon conviction of the offense alleged in Count One above, the defendant,
6 KENNETH VAN AALSBURG,
7 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)
8 and (a)(3), all visual depictions described in Title 18, United States Code Section 2252, and all
9 property, real or personal, used or intended to be used to commit or promote the commission of
10 the offenses of conviction, including the following computers seized from the defendant's
11 residence: Hewlett Packard computer, serial no. MX312232A, Sony Laptop computer, serial no.
12 28306930350763; and a Domino Brand Tower Computer with no serial number present.

13
14 Dated: 9/19/2007

SCOTT N. SCHOOLS
United States Attorney


DAVID R. CALLAWAY
Deputy Chief, San Jose Branch Office

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19 (Approved as to form: )

AUSA FAZIOLI

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 USC § 2252(a)(4)(B)- Poss. of
 Matters Containing Any Visual
 Depiction of a Minor Engaging in
 Sexually Explicit Conduct; 18 USC
 §§2253(a)(1) & (a)(3)-Cr Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 Ten (10) Years Imprisonment, \$250,000 Fine, Life Term
 Supervised Release, \$100 Special Assessment and
 Registration as a Sex Offender
PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 Federal Bureau of Investigation, Wade Luders, Special Agent

DHS-ICE

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a re prosecution of
 charges previously dismissed
☐ which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM
SCOTT N. SCHOOLS
☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Joseph A. Fazioli, AUSA

FILED
 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

2007 SEP 20 P 3:59

DEFENDANT - U.S.

 RICHARD W. WIENING
 KENNETH VAN AALSBERG

 U.S. DISTRICT COURT
 NO. DISTRICT COURT NUMBER
CR 07 00603**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed? ☐ Yes ☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS*
☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

*"Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment"*
Defendant Address:
 Kenneth Van Aalsburg, c/o Thomas J. Nolan, Esq.
 Nolan, Armstrong & Barton LLP
 600 University Avenue
 Palo Alto, CA 94301-2076

Date/Time: September 27, 2007 at 9:30 a.m.

Before Judge: Hon. Patricia V. Trumbull

Comments: _____